

BYRON SMITH	§	
VS.	§	CIVIL ACTION NO. 1:14-CV-148
R. W. RIVERA, ET AL.	§	

Plaintiff Byron Smith, a federal prisoner confined at the Federal Correctional Institution in Beaumont, Texas, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against Warden R. W. Rivera, Lieutenant Britt, Captain Wilson, Case Manager Coleman, Lieutenant Martinez, Case Manager Herberich, Unit Secretary Pennington, Case Manager Jones, Counselor Davis, Case Manager Singleton, Officer Critter, Officer Prejean, and Counselor Collins.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and the pleadings. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the

objections are without merit. Further, plaintiff's claim that female correctional officers made lewd comments about the male inmates during a search does not state a cognizable constitutional claim. *See Jane Doe 5 v. City of Haltom City*, 106 F. App'x 906, 908 (5th Cir. 2004) (holding that verbal sexual harassment does not violate an inmate's constitutional rights).

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge (document no. 15) is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

So **ORDERED** and **SIGNED** this **21** day of **November, 2015**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge